



United States Copyright Office

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May 18, 2006

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Joseph V. Montoro Jr.
President
Spectrum Software Inc.
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Dear Mr. Metalitz and Mr. Montoro:

I am writing to follow-up on your participation in the Copyright Office's March 31 public hearing of the DMCA Section 1201 Rulemaking. In particular, I am writing to you concerning the Mr. Montoro's testimony in support of the proposed exception: "Computer programs protected by dongles that prevent access due to malfunction or damage and which are obsolete."

As you may recall, at the hearing Mr. Montoro submitted for the first time in this process a collection of documents to support his position. At Mr. Montoro's request, that collection has been slightly altered to protect confidentiality, and Mr. Metalitz has been sent three redacted pages to replace three of the original pages in that collection of documents. These are the documents that will be part of the record of this proceeding and which will inform the Register's recommendations to the Librarian of Congress.

Mr. Metalitz: Please advise us of any comments in relation to the proposed class that your clients (including Time-Warner) may have in response to Mr. Montoro's new submission.

Mr. Metalitz and Mr. Montoro: We note that in his testimony at the hearing, Mr. Montoro spoke in favor of two additional proposed exemptions beyond what was proposed in the initial comments received in this rulemaking. "Computer programs and video games distributed in formats that have become obsolete and that require the original media or hardware as a condition of access," and "Computer programs and video games distributed in formats that require obsolete operating systems or obsolete hardware as a condition of access." What are your

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views as to whether it is appropriate for the Copyright Office to entertain Mr. Montoro's statements and evidence with regard to these additional proposals which were not included in the initial comments? Assuming that the Copyright Office does entertain them, what are your reaction to the merits of the proposals and accompanying submission?

We would be grateful if we could receive your responses no later than June 2.

Thank you for your assistance in this rulemaking proceeding.

Sincerely,

David O. Carson
General Counsel